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7 *Attorneys for Defendant*
Ironshore Specialty Insurance Company

8
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 COMMISSIONER OF INSURANCE FOR
THE STATE OF NEVADA AS RECEIVER
12 OF LEWIS AND CLARK LTC RISK
RETENTION GROUP, INC.,

13
14 Plaintiff,

15 v.

16 IRONSHORE SPECIALTY INSURANCE
COMPANY; CATLIN INSURANCE
COMPANY, INC.,

17
18 Defendants.

Case No. 2:23-cv-00537-JCM-BNW

**DEFENDANT IRONSHORE SPECIALTY
INSURANCE COMPANY'S MOTION FOR
AN EXTENSION OF TIME TO FILE A
RESPONSE TO PLAINTIFF'S
COMPLAINT**

(First Request)

19 Defendant Ironshore Specialty Insurance Company ("Ironshore"), by and through its
20 attorneys of record, Sheri M. Thome, Esq. and Steve Shevorski, Esq., of the law offices of Wilson,
21 Elser, Moskowitz, Edelman & Dicker LLP, moves for an extension of time to file a response to
22 Plaintiff The Commissioner of Insurance for the State of Nevada ("the Commissioner") as receiver
23 of Lewis and Clark LTC Risk Retention Group, Inc.'s complaint for good cause under FRCP
24 6(b)(1)(a).

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 This Court should grant Ironshore's motion for a 14-day extension to file a response to the
27 Commissioner's complaint. The decision to grant an extension or continuance is within the sound
28 discretion of the trial court. *F.T.C. v. Gill*, 265 F.3d 944, 954-55 (9th Cir. 2001). Federal Rule of

Civil Procedure 6(b)(1) provides that when an act must be done within a specified time, the Court "may, for good cause, extend the time . . . with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires" Indeed, courts routinely grant similar requests and caution attorneys that "[o]bstructive refusal to make reasonable accommodation [] impairs the civility of our profession ... and needlessly increases litigation expense to clients." *Henry v. Dovenmuehle Mortg.*, No. 2:19-cv-00360-MMD-NJK, 2019 U.S. Dist. LEXIS 50303 (citing *Kondrk v. Towbin Dodge LLC*, 2015 U.S. Dist. LEXIS 156665, 2015 WL 13683019, at *1 (D. Nev. Nov. 18, 2015) (and collecting cases). Ironshore meets the good cause standard.

Ironshore retained Wilson Elser to represent it this week. Ex. A at ¶3. Wilson Elser was not idle. It reached out to the Commissioner's counsel to obtain an extension of time to respond on Ironshore's behalf to the Commissioner's complaint, as Ironshore's response will be due on July 31, 2023. Ex. B. Wilson Elser then also followed up with the Commissioner's counsel through a phone call. Ex. A, supra at ¶4. Wilson Elser was just recently retained and requires additional time to investigate this matter and draft a response. *Id.* at ¶6. This is Ironshore's first request for an extension of time to file a responsive pleading. LR IA 6-1. No party will be prejudiced by the granting of this motion, which only seeks a short, 14-day extension of time. Good cause therefore exists for this Court to grant Ironshore an extension of 14 days until August 14, 2023, to file its responsive pleading.

DATED this 28th day of July, 2023.

WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule IA 6-1, the Court finds good cause to extend the time to answer until August 14, 2023.

IT IS SO ORDERED

DATED: 10:45 am, July 31, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

By: /s/ Sheri M. Thome
Sheri M. Thome, Esq.
Nevada Bar No. 008657
Steve Shevorski, Esq.
Nevada Bar No. 008256
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, Nevada 89119
Attorneys for Defendant
Ironshore Specialty Insurance Company

CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP and that on this 28th day of July, 2023, I served a true and correct copy of the foregoing **DEFENDANT IRONSHORE SPECIALTY INSURANCE COMPANY'S MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT (First Request)** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ via hand-delivery to the addressees listed below;
- ☐ via facsimile;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

Brenoch Wirthlin, Esq.
Traci Cassity, Esq.
HUTCHISON & STEFFEN
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
Telephone: (702) 385.2500
Facsimile: (702) 385.2086
E-Mail: bwirthlin@hutchlegal.com
Attorneys for Plaintiff

BY: /s/ Lani Maile
An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

INDEX OF EXHIBITS
TO
DEFENDANT IRONSHORE SPECIALTY INSURANCE COMPANY'S MOTION FOR AN
EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT

Exhibit	Description	Bates Nos.
A.	Declaration of Steve Shevorski, Esq.	A-000001- A-000002
B.	Emails from Sheri Thome to Brenoch Wirthlin	B-000001

EXHIBIT A

Declaration of Steve Shevorski, Esq.

Sheri M. Thome, Esq.
Nevada Bar No. 008657
Steve Shevorski, Esq.
Nevada Bar No. 008256
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EDELMAN & DICKER LLP**
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Attorneys for Defendant
Ironshore Specialty Insurance Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

COMMISSIONER OF INSURANCE FOR
THE STATE OF NEVADA AS RECEIVER
OF LEWIS AND CLARK LTC RISK
RETENTION GROUP, INC.,

Plaintiff,

v.

IRONSHORE SPECIALTY INSURANCE
COMPANY; CATLIN INSURANCE
COMPANY, INC.,

Defendants.

Case No. 2:23-cv-00537-JCM-BNW

**DECLARATION OF STEVE SHEVORSKI,
ESQ. IN SUPPORT OF DEFENDANT
IRONSHORE SPECIALTY INSURANCE
COMPANY'S MOTION FOR AN
EXTENSION OF TIME TO FILE A
RESPONSE TO PLAINTIFF'S
COMPLAINT**

(First Request)

I, Steve Shevorski, Esq. declare as follows:

1. I am a competent adult, over the age of eighteen (18) years, and have personal knowledge of all facts stated herein. I am an attorney, duly licensed to practice law in the state of Nevada.

2. I, along with Sheri M. Thome, Esq., have been retained by Ironshore Specialty Insurance Company ("Ironshore") to defend the action filed by The Commissioner of Insurance for the State of Nevada as receiver of Lewis and Clark LTC Risk Retention Group ("the Commissioner") against Ironshore.

3. Ironshore retained Wilson, Elser, Moskowitz, Edelman & Dicker LLP this week. Sheri Thome, Esq. emailed the Commissioner's counsel to request a 14-day extension of time to

1 respond to the Commissioner's complaint on July 26, 2023 and again the next day. Attached as
2 **Exhibit B** are true and correct copies of Ms. Thome's emails. The Commissioner's counsel has yet
3 to respond to Ms. Thome's emails.

4 4. I also called the Commissioner's counsel on July 27, 2023 but have not, as yet,
5 received a response to my voicemail.

6 5. Conflicts are now clear and Wilson Elser intends to appear and defend Ironshore
7 against the Commissioner's complaint.

8 6. Ironshore requests this extension of time to review the Commissioner's allegations,
9 conduct any research necessary to respond to them, and to draft a response that Ironshore will file
10 with this Court.

11 7. Ironshore submits this request for a short 14-day extension in good faith and not for
12 the purpose of delay.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 DATED this 28th day of July, 2023.

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16 /s/ Steve Shevorski, Esq.
17 Steve Shevorski, Esq.
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EXHIBIT B

E mails fro Sheri Thoe to Brenoch irthlin

From: Thome, Sheri
Sent: Thursday, July 27, 2023 12:15 PM
To: bwirthlin@hutchlegal.com
Cc: Maile, Lani U.; Shevorski, Steve
Subject: RE: Lewis and Clark/Receiver v. Ironshore

Hi Mr. Wirthlin,

I am just following up on the below email, but I don't know if you are in the office, and I don't see anyone else listed on the docket as representing the Commissioner. I may follow up later today via phone. I apologize for any inconvenience, but Ironshore is concerned about the response date.

Thank you.

Sheri Thome
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
702.727.1370 (Direct)
702.375.7956 (Cell)
702.727.1400 (Main)
702.727.1401 (Fax)
sheri.thome@wilsonelser.com

From: Thome, Sheri
Sent: Wednesday, July 26, 2023 3:12 PM
To: bwirthlin@hutchlegal.com
Cc: Maile, Lani U. <Lani.Maile@wilsonelser.com>
Subject: Lewis and Clark/Receiver v. Ironshore

Mr. Wirthlin,

Ironshore has reached out to our firm concerning the above-referenced matter, and we are working to resolve any potential conflicts. While we do so, are you able to provide an extension in which to respond to the complaint? I believe the response is due July 31, so I would ask for extension until August 14th. Until we clear, I cannot submit a stipulation affirming representation, but I certainly will do so as soon as we can confirm.

Thank you for your consideration.

Sheri Thome
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